

MINUTES OF THE CITY COUNCIL MEETING HELD JANUARY 24, 2005, AT 7:00 P.M.,
IN THE COTTONWOOD HEIGHTS CITY COUNCIL CHAMBER

MEMBERS PRESENT: Mayor Kelvyn Cullimore, Councilman Don Antczak, Councilman Scott Bracken, Councilman Bruce Jones, Councilman Gordon Thomas

STAFF PRESENT: City Manager Liane Stillman, City Attorney Shane Topham, City Treasurer Gary Harmer, Director of Finance David Muir, Community Development Director Kevin Smith, City Recorder Linda Dunlavy, Planning Intern Glenn Symes

OTHERS PRESENT: Scout Troop 545, Butler Twelfth Ward, Davis Brown, Corbett Ford, Brian Gallegos, Paul Brenneman, Robby Russo, Mr. & Mrs. Jeremy Lapin, Doug Shelby, Richard Beckstrand, Chad Booth, Bob Good, Kent Brown, Butler 33rd Ward Teachers Quorum, Ann Bracken, Steve Hopkins, Ron Fullmer, Ben Bamba, Mike Peterson, Mike Watson, Dave Clark, Ed & Arline Otto, Kevin Cole, Paul Hartman, Wendy Hartman, Joyce Shiozawa, Margarite Ellis, George Condas, Jim Pennocell, Maiken Christensen, Steve & Marlene Hill

1.0 **WELCOME**

1.1 Mayor Cullimore opened the meeting at 7:00 p.m. and welcomed those in attendance.

2.0 **PLEDGE OF ALLEGIANCE**

2.1 Davis Brown, Troop 545, led the Pledge of Allegiance.

3.0 **PUBLIC HEARINGS**

3.1 **UDOT Enhancement Funds for the Big Cottonwood Canyon Trail**

3.1.1 Mayor Cullimore stated that the City sent letters regarding this public hearing to residents who will be affected by the proposed Big Cottonwood Canyon Trail. He explained that the City is applying for UDOT Enhancement funds for a segment of the trail from Old Mill Corporate Center to Spencer Pond. He noted that this portion of the public hearing will only address the first phase of the trail. The second phase of the trail would be accomplished using ZAP funding and will be discussed after the Phase 1 public hearing is completed.

3.1.2 Jeremy Laptin, Gilson Engineering, said that the City is trying to obtain funding through the UDOT Enhancement Funds, which is a program started in 1991 and provides federal highway dollars to enhance the cultural, aesthetic, and environmental aspects of the intermodal transportation system. He explained that within this kind of funding there is a

priority set to pedestrian, bicycle and landscape projects. The proposed project would be used to improve Big Cottonwood Canyon Creek as it moves through the City and would help to preserve the river corridor. Mr. Laptin reviewed the location and gave a general overview of the proposed trail.

- 3.1.3 Mayor Cullimore opened the public hearing to receive input on the UDOT Enhancement Funds for the Big Cottonwood Canyon Trail

- 3.1.3 Richard Beckstrand, 5156 Cottonwood Lane, owner of Old Mill Corporate Center project, gave a brief history of the area. He explained that when Old Mill II was built, the parking lots connected the roads to the project and within six weeks was amazed at the number of bikers, joggers and walkers that used the connection. Mr. Beckstrand worked with Holladay City in completing a trail to the Old Mill Corporate Center through Holladay. After it was opened, counts were taken and there were weekends that over a thousand people accessed the trail in that area. He stated that the proposed trail is an excellent project and would support it completely. He said that he will do whatever he can to support the project, whether or not the funding is received. Mr. Beckstrand pointed out that this area is an entry way to the City and believes that others in the Old Mill complex would support the trail. He stated that he is willing to do whatever is needed to make it a legal access across the property from where the bridge is and to work with the other property owners to fix the right-of-way.

- 3.1.4 Bob Goode, asked if the City had considered an overpass over 30th East rather than a tunnel.

Mr. Laptin, said that it has been considered, but is cost prohibitive.

- 3.1.5 Doug Shelby, said the bridge over 30th East is seven feet high and 22 feet wide, and in order to have enough head clearance the trail will have to be at creek level in some places.

Mr. Laptin said that there will be some sort of wall to separate the path until the path comes above the elevation of the water.

- 3.1.6 Joyce Shiozawa, Old Mill Estates, said that six years ago a friend she was running with was hit by a car. She pointed out that there are no actual jogging paths in this area and would hope to see all of the phases of this project completed.

- 3.1.7 Mayor read the following emails into the record:

Ivan & Sherry Fabert, Old Mill Estates: "We are not available to attend the hearing on proposed trails for Big Cottonwood road area but want you to know that we fully support the development of this trail. We lived in Anchorage, Alaska, several years back and the City had developed a trail system throughout the entire area. It was wonderful and was

used all seasons by individuals and families. We look forward to additional information.”

Jackie Hibbard: “I don’t believe I will be able to make the public hearing this evening, I have another meeting scheduled at 7:30 p.m. at Skyline High School, however, I do have some input from my husband Rob and myself. We are thrilled about having a trail system put into place especially if it goes under 30th East and Wasatch Blvd. Our only reservations are having more commercial development in are area, especially so close to our homes. If there will be commercial properties, would it be possible to plant large evergreen trees on the border of our subdivision and the public trail system so that we will have a buffer zone from this commercial development. Would it also be possible to build the money for the trees into the budget for this type of project. Thanking you in advance for forwarding our comments to the folks at the public hearing. Also a huge thank you for all the hard work you have done to make our new City a great place to live. You have been amazing.”

Mike Young, McKell Court: “I have lived in the Old Mill Estates for ten years and intend on staying. The proposed Big Cottonwood Canyon Trail will be one of the best amenities that are new City could deliver to its citizens. It would be a very visible accomplishment significantly enhance safety and allow people of all abilities to discover the beautiful Big Cottonwood drainage. Obviously a paved trail would be the best. Thank you for all your efforts.”

- 3.18 City Manager Liane Stillman stated that because the City would be qualifying for federal money, all the trails must be ADA compliant, which will include asphalt trails and gradual sloping. She explained that there are four very large property owners in the first phase including Mr. Beckstrand, John Williams of Gastronomy, City of Holladay, and Salt Lake County. The City has been in contact with all of the property owners regarding rights-of-way which would qualify as the City’s match to the federal funding. She said that the City believes this would be a win/win for the businesses, the citizens, and the taxpayers. The application must be submitted by February 1st and a decision will be made by June.
- 3.1.9 Mayor Cullimore reiterated that there is no guarantee the City will receive this money, but is doing all they can to apply and qualify for the funding. Whether or not the funding is received, the project has merit and the City would continue to look for funding through other sources.
- 3.1.10 Councilman Thomas recognized the efforts the City Manager has put in notifying those most affected by the proposed trail.

- 3.1.11 Chad Booth, said that this would be a great trail system that accommodates coming in from Holladay and moving through the canyon. He asked if there is a way to make accommodations easier for people who are residents of the City of Cottonwood Heights coming out of the neighborhoods and tying into the system.

Mr. Laptin said that this will provide access for residents from Big Cottonwood Canyon Road, and under 30th East.

- 3.1.12 Mr. Beckstrand commented that the trail in Holladay is one part of a huge trail system that will some day connect to Sugar House, the Jordan River Parkway, and the Bonneville Shoreline Trail.

- 3.1.13 Mayor Cullimore closed the public hearing at 7:37 p.m.

- 3.1.14 City Manager Liane Stillman explained that the second phase of the trail project proposes to use ZAP funding, which is a tax the citizens of Salt Lake County voted to levy on themselves to provide quality of life enhancements. She explained that the Cottonwood Heights Recreation Center is applying for a major capital project, and the City is applying for minor funding for the extension of Big Cottonwood Canyon Trail and for an enhancement of the pavilion at Crestwood Park. The application is due in February and a final decision will be made by the County Council.

- 3.1.15 Mr. Laptin explained that this phase would be a continuation of the Big Cottonwood Canyon Trail. Mr. Laptin gave an overview of the proposed trail which would begin at Spencer's Pond and provide a continuous trail through the City which would be safe from vehicular traffic. It would also help to preserve Big Cottonwood Creek as development continues, and help to protect surrounding property owners from flooding with a raised embankment. Mr. Laptin noted that it is important to plan trails and open space prior to build out of the City.

- 3.1.16 Mayor Cullimore explained that this phase of the trail is more problematic since the City will be dealing with private property issues which the City is sensitive to.

- 3.1.17 Mayor Cullimore opened the public comment period.

- 3.1.18 Doug Shelby, said that the preferred alignment starts on his property at Spencer's Pond and goes to the Murray City property. He said that he is not prepared to have a trail in the area at this time because there is mining taking place, but sees it as a possibility in the future.

- 3.1.19 Councilman Jones questioned if the trail could be built along Big Cottonwood Canyon Road initially, and eventually placed in the preferred alignment, or whether it would be too costly.

Mr. Laptin explained that it would depend on the amenities the City wanted to provide. He said if the City was talking about striping bike lanes on the shoulders of the road, the cost would be minimal; if the City is talking about providing a separate bike lane on the side of the road with a park strip between the bike lane and the road, it would be costly due to property acquisition and cutting the road.

3.1.20 Liane Stillman said that Murray City has agreed to access through their property for a trail if the City would move the fencing.

3.1.21 Ron Fullmer, stated that the City's engineer has not looked at the problems of water. He said that he is not a fan of installing a culvert for pedestrian access along side the creek due to the spring runoff and does not believe it will work unless there is a huge barrier.

3.1.22 Wendy Henderson, hit by a car as she was jogging, said that on Big Cottonwood Canyon Road there is six inches from the road line to the hill build-up most of the way. She said that trails are desperately needed in the City.

3.1.23 Mayor Cullimore closed the public comment period. He stated that the City will be working on alignment issues, continue to work with private property owners and look at other options because the City believes there is merit to this proposal.

4.0 **PROCLAMATION**

4.1 Mayor Cullimore read the proclamation honoring Councilman Antzcak. (See attached).

5.0 **REPORTS/PRESENTATIONS**

5.1 **Unified Fire Report**

5.1.1 Chief Watson presented the December 2005 Fire Report. He stated that December closed with 65 fire runs, up from 62 runs in November. There were 234 medical runs in December compared to 169 runs in the previous month.

There were a total of 870 fire runs and 2,170 medical runs in Cottonwood Heights in 2005.

Chief Watson focused on child safety tips in the home and information that babysitters should know before parents leave their children. He pointed out that cabinets should have locking mechanisms in place so children do not have access to cleaners and other poisonous items. Chief Watson reviewed customer service items for the month of December. He reported on the fire at Alta and the confined space rescue in Draper.

- 5.1.2 Chief Watson told the Council that the Citizen Emergency Response Team training (CERT) will begin February 21st at 7:30 p.m. for eight consecutive weeks. Joan Welsh can be contacted at 743-7111 for anyone interested in participating.

5.2 Salt Lake County Sheriff's Office 2005 Year End Report

- 5.2.1 Detective Ford presented a year end report to the Mayor and Council. He reviewed several of the major cases that were initiated and/or completed in Cottonwood Heights; reported on the Night Out Against Crime event; and gave a comparison of statistics with surrounding cities.

This year Night Out Against Crime will be held on September 11th and will include a Public Safety Fair.

6.0 CITIZEN COMMENTS

- 6.1 Councilman Jones acknowledged the Butler 17th Ward Scout Troop in attendance.
- 6.2 Ron Fullmer, suggested that the City incorporate a bike race as part of the Butlerville Days next year.
- 6.3 Steve Hill, stated that he and his neighbors from the Deer Creek Circle area, are in attendance for an update on the Capital Facilities Transportation Plan as it applies to the Deer Creek Drive issue. He stated that the Mayor gave him an update prior to the meeting and he expressed his appreciation for the City's efforts.
- 6.4 Doug Shelby, in response to the Sheriff's report, said that he has about 200 incidents a year at the Old Mill structure which he does not report.
- 6.5 Jerry Snow, asked if the City Council was responsible for setting speed limits. He explained that at 3000 East there is a small zone where the speed limit drops to 25 mph and resumes to 40 mph on Fort Union. He believes it is something of a speed trap.

Councilman Jones stated that the Sheriff's Office brought this issue to the Council's attention and has changed the procedure to deal with speeding of more drastic speed violators. He said that enforcement does take that area into account.

Mr. Smith said the City Engineer is doing a brief study to look at the situation and see if it is signed appropriately. There has been a request for flashing lights on the 25 mph signs to let people know the speed is changing.

7.0 ACTION ITEMS

7.1 Consideration of Ordinance No. 35 Amending Title 19.46 (O-R-D Office, Research and Development Zone) of the Cottonwood Heights Code

7.1.1 Planning Manager Michael Black stated that Ordinance No. 35 encompasses two Code amendments, one which was initiated by the City and one that was initiated by a developer. He explained that 19.46.025 is a new section which clarifies that any permitted use requesting an increase in height or decrease in setbacks would automatically become a conditional use. The proposed ordinance also changes the setbacks in an O-R-D zone from 50 feet to 20 feet if there is no residential attribute in the neighboring zone. The Planning Commission recommended the setbacks be changed from 50 feet to 25, but Staff is recommending 20 feet. Mr. Black said that although Staff is recommending 20 feet the ultimate authority lies with the Planning Commission. In any case where a decreased setback is requested, it would become a conditional use which would give the Planning Commission authority to decrease the setback, increase the setback, or leave the setback as is. The proposed ordinance also changes the maximum height of structures from 60 feet to six stories. He noted that the rooftop appurtenances are included in the overall height of the building.

7.1.2 City Manager Liane Stillman asked if the balloons that were floated at the Beckstrand property were at 20 feet or 25 feet.

Mr. Black said it was at 20 feet, on one corner only. The southeast corner setback is at 50 feet.

7.1.3 Councilman Jones explained his opinion on this issue, because he has a history with Planning Commissions and would like them to understand his viewpoint. He noted that the specific approval with respect to this property or lack of approval will go back to the Planning Commission. He explained that this is a zone change, and should reflect whether there is any project, anywhere, where a 20 rather 25 foot setback might be appropriate. Councilman Jones said that there will be very few situations where 20 feet would be appropriate, but in the case of the Beckstrand building, it is better off further away from the remaining buildings in the project. He explained that land is unique, and the City asks a Planning Commission to use their discretion and judgment based on the facts and circumstances that surround a particular land use site plan application and that would be different from project to project. He stated that he agrees with Staff's recommendation in this instance that the 20-foot setback would be appropriate. He stated that this is not meant as a criticism of the Planning Commission analysis, but believes that it is possible that in an O-R-D zone 20 foot setback may be appropriate.

7.1.4 Mayor Cullimore asked what the reasoning was for the Planning Commission's recommendation.

Mr. Black said that the Regional Commercial setback is 20 feet and the Planning Commission did not feel that a building in an O-R-D zone should be any closer to the property line than a building in a Regional Commercial zone.

- 7.1.5 Mayor Cullimore stated that he received a letter from Tom Bowen, Planning Commission Chair, which indicated the Planning Commissions' concern that because there is a 20-foot setback for commercial buildings in the CR zone, it seems inconsistent to have the possibility of a 20 foot setback in an O-R-D zone, since the O-R-D zone allows greater heights than the Regional Commercial zone. He acknowledged that in the specific case of the Beckstrand building, the 20-foot setback is probably not a problem.
- 7.1.6 Councilman Jones explained that parking is important in the area of the Beckstrand building and the extra five feet will allow approximately 15 extra parking spaces.
- 7.1.7 City Attorney Shane Topham stated that the 50 foot setback requirement is defensible by the City. He said that once this is moved to the conditional use area, the City will have to have substantial evidence on the record for a denial or approval of a conditional use request. He said that each request will be reviewed on a case by case basis and the City's decision based on substantial evidence.
- 7.1.8 City Manager Liane Stillman asked how this ordinance would apply if the gravel pit were zoned O-R-D and whether the setback of 20 feet would apply to the gravel pit.

Mr. Black said that he does not believe it would apply.

Mr. Smith said that the gravel pit property is shown as a Mixed Use designation, not O-R-D on the General Plan.

- 7.1.9 Mayor Cullimore opened the public comment period.
- 7.1.10 Doug Shelby, Walker Development, expressed concern that approval of this Ordinance will allow a building which would otherwise not be allowed. He questioned changing the ordinance for one person.

Councilman Jones stated that there are many issues left on this project including traffic congestion, access to 30th East, parking requirements, etc. which the Planning Commission will have to look at. He said that the site plan issues are separate from the zoning issues.

- 7.1.11 Steve Hopkins, Beckstrand and Associates, thanked the Staff for working on the proposed project and believes he will be able to meet all of the requirements of the City. He stated that UDOT is comfortable with the 20-foot setback.

- 7.1.12 **MOTION:** Councilman Antczak moved to adopt Ordinance No. 35 subject to changing Section 19.46.060 to read 20 feet instead of 25 feet. The motion was seconded by Councilman Jones and passed unanimously on a roll call vote.

7.2 **Consideration of Resolution No. 2006-1 indicating the City's Intent to Adjust Its Common Boundary with the City of Holladay; Providing for the Publication of a Notice of Public Hearing and the Holding of a Public Hearing; and Providing for Related Matters**

- 7.2.1 Mayor Cullimore explained that Holladay has an RDA zone which included approximately one acre of Cottonwood Heights' property when the road was constructed for the Mill Rock Development. The City has agreed to adjust the boundary line with Holladay City. As part of the condition, Holladay city has agreed to allow Cottonwood Heights to place a City monument sign on the property which they will landscape and maintain.
- 7.2.2 City Attorney Shane Topham explained that this Resolution gives notice to the public of the City's intent to adjust the boundary with Holladay City. There will be a series of published notices in the newspaper which will announce a public hearing on April 11th at 7:00 p.m. If there are no objections, the ordinance adjustment boundary will be presented to the Cottonwood Heights City Council and Holladay City Council. Prior to approval of the ordinance, the City will sign an interlocal agreement with Holladay City regarding the maintenance of the City's monument sign.

- 7.2.3 **MOTION:** Councilman Bracken moved to adopt Ordinance No. 35. The motion was seconded by Councilman Thomas and passed unanimously on a roll call vote.

7.3 **Consideration of Resolution No. 2006-2 Approving Entry into an Amended Nonbinding Letter of Intent for the Formation of the Unified Police District**

- 7.3.1 Mayor Cullimore explained that the City approved the original nonbinding letter of intent for the formation of the UPD four weeks ago. Language was changed to make it more favorable toward some of the cities' concerns and this letter of intent reflects those changes. Taylorsville opted not to approve this agreement.

Councilman Jones said that Taylorsville was concerned about some of the provisions in the letter of intent that said that there would be a preference given to Salt Lake County officers and not to Taylorsville officers.

- 7.3.2 **MOTION:** Councilman Jones moved to approve Resolution No. 2006-2. The motion was seconded by Councilman Bracken and passed unanimously on a roll call vote.

8.0 CONSENT CALENDAR

8.1 Approval of January 10, 2006 minutes

8.1.1 The minutes were approved as submitted.

9.0 ADJOURN TO WORK SESSION

9.1 The Council adjourned to a work session at 9:46 p.m.